



USDA Foreign Agricultural Service

GAIN Report

Global Agriculture Information Network

Template Version 2.09

Required Report - public distribution

Date: 6/28/2006

GAIN Report Number: VE6009

Venezuela

Food and Agricultural Import Regulations and Standards

Annual

2006

Approved by:

Bonnie Borris
U.S.Embassy Venezuela

Prepared by:

Mora Paiva

Report Highlights:

Updated on: June 2006. Section (s) Updated: I, II, VI, VII, VIII, IX and Appendix I.

Foreign exchange and price controls on selected food products are expected to continue as a long-term government policy. Controls have been in place since January 2003. The import tax exoneration was renewed and is valid until September 2006. There are changes to the original list of products exempted.

In April 2006 Venezuela withdrew from the Andean Community. All previously adopted Andean Community norms, regulations and standards are subject to a phase-out period of five years.

Includes PSD Changes: No
Includes Trade Matrix: No
Annual Report
Caracas [VE1]
[VE]

Table of Contents

SECTION I. FOOD LAWS (updated)	4
Ministries and Agencies	4
Food Laws	7
SECTION II. LABELING REQUIREMENTS (updated)	9
SECTION III. PACKAGING AND CONTAINER REGULATIONS	10
SECTION IV. FOOD ADDITIVE REGULATIONS	10
SECTION V. PESTICIDE AND OTHER CONTAMINANTS	11
SECTION VI. OTHER REGULATIONS AND REQUIREMENTS (updated)	11
Animal Products and Unprocessed Plant Products	11
Import Licenses for Basic Agricultural Products	12
Seeds	12
Processed Animal Products	13
Processed Food Products Health Registration	13
Obtaining a Health Registration Number for Processed Foods- Step by Step	13
Samples for Registration Process	14
SECTION VII. OTHER SPECIFIC STANDARDS (updated)	15
Exchange Rate Policy	15
Price Controls	15
Import tax exoneration for Basic Products (updated)	15
Value Added Tax (updated)	16
Genetically Modified Organisms	16
SECTION VIII. COPYRIGHT AND OR TRADEMARK LAWS (updated)	16
Brand Name and Trademark Registration Process	16
SECTION IX. IMPORT PROCEDURES (updated)	17
Import Duties	17
Customs Fees	17
Inspections	17
Control of products at Port of Entry levels	18
Document Requirements	18
APPENDIX I. GOVERNMENT REGULATORY AGENCY CONTACTS (updated)	19
APPENDIX II. OTHER IMPORT SPECIALIST CONTACTS	21
APPENDIX A. PROCESSED FOODS EXEMPTED FROM SENCAMER REGISTRATION	22
APPENDIX B. FOOD PRODUCTS SUBJECT TO PRICE CONTROLS	22

FOOD AND AGRICULTURAL IMPORT REGULATIONS AND STANDARDS (FAIRS)

"This report was prepared by the Office of the Agricultural Affairs of the USDA/Foreign Agricultural Service in Caracas, Venezuela for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY."

SECTION I. FOOD LAWS (updated)

Venezuela's food and agricultural regulatory system is very complex and involves several laws, norms and regulations and many ministries. The following table presents a general overview of the Government of Venezuela's (GOV) ministries and agencies that are directly involved with import regulations and standards for food. The ministries and agencies' main functions and objectives, as well as the current regulatory framework, are further explained in this section.

Ministries and Agencies

Ministry	Acronym	Agencies
Ministerio de Alimentacion (Ministry of Food)	MINAL	CASA MERCAL
Ministerio de Agricultura y Tierras (Ministry of Agriculture and Lands)	MAT	SASA
Ministerio de Salud (Ministry of Health)	MINSALUD	Higiene de los Alimentos INHRR INN
Ministerio de Industrias Ligeras y del Comercio (Ministry of Light Industries and Commerce)	MILCO	SENCAMER SAPI INDECU
Ministerio de Finanzas (Ministry of Finance)	MINFINANZAS	CADIVI SENIAT
Ministerio de Ciencia y Tecnologia (Ministry of Science and Technology)	MINCYT	SENASA
Ministerio de Relaciones Exteriores (Ministry of Foreign Affairs)	MRE	None

Ministry of Food- MINAL

The Ministry of Food (Ministerio de Alimentación, or MINAL) is responsible for ensuring the "secured food supply" goal of the GOV. Imports and exports of food for human consumption are under the authority of MINAL, through the issuance of import permits, licenses and any other documents needed for agricultural and processed food products. This ministry supervises almost every aspect related to the production, distribution and storage of food for human consumption. Broader tasks include supervising advertisements dealing with food, food quality and health-related issues. This is one of the newest ministries, starting to function in late 2004. The main agencies of MINAL are:

- CASA- Food and Agricultural Services Corporation (Corporación de Abastecimiento y Servicios Agrícolas, or CASA) is in charge of purchasing domestically produced and imported food and agricultural products. Food products purchased by CASA are distributed in government-owned stores called MERCAL.

- MERCAL- Mercado de Alimentos, or MERCAL is the government-owned food distribution system that includes small to medium size stores and supermarkets. The main objective of MERCAL is to market affordable food products, including staple products for all Venezuelan consumers, specially the lower class consumer. Basic food products are offered at very low prices, usually below than the controlled-priced products sold by the private sector' supermarkets. MERCAL offers basic food basket products such as dry milk, precooked corn flour, black beans, rice, vegetable oil, sardines, pasta, sugar, mortadella (bologna), margarine, deviled ham, eggs, mayonnaise and sauces. It also offers foods not included in the basic food basket like fruits and vegetables, fish,spices, dehydrated soups, canned food products, popcorn and cookies, among others. MERCAL's food distribution web has expanded to 15,725 points of sales that includes mostly small stores (15,188), supermarkets (33), warehouses (111) and mobile units (393). Mobile units consist of trucks that go to different neighborhoods to sell MERCAL products. MERCAL also includes the concept of "soup kitchens" where lunches are provided to around 150 people each; products are sourced out of MERCAL's stores. There are approximately 4,000 soup kitchens located in poor neighborhoods.

Ministry of Agriculture and Lands- MAT

The Ministry of Agriculture and Land (Ministerio de Agricultura y Tierras or MAT) is responsible for promoting harmonic and sustained development of the agricultural and livestock sectors of Venezuela through the orientation, direction and evaluation of agricultural activities. The following is MAT's main regulatory agency:

- SASA- Autonomous Agricultural Health Service (Servicio Autonomo de Sanidad Agropecuaria, or SASA) is in charge of issuing phytosanitary or sanitary health import permits for imported products and sub products of plant or animal origin, and animals and plant breeding material. SASA oversees locally grown or produced plant and animal products, including biological products and animal feed. This includes manufacturing, processing and storage the above products. Basically, SASA is the equivalent of the Animal and Plant Health Inspection Service, APHIS, in the United States.

Ministry of Health- MINSALUD

The Ministry of Health (Ministerio de Salud, or MINSALUD), through the Food Hygiene Division, regulates domestically produced and imported processed food products, beverages, additives and colors for foods destined for human consumption. MINSALUD was formerly known as the Ministry of Health and Social Development or MSDS. The following are MINSALUD's main agencies:

- The Food Hygiene Division (Division de Higiene de los Alimentos) is responsible for registering processed food products. Imported and local products must be registered before sold to Venezuelan consumers.
- INHRR- The National Hygiene Institute "Rafael Rangel"(Instituto Nacional de Higiene "Rafael Rangel") is the government's reference lab for all food testing. This is the only authorized institute to conduct food analysis for registration purposes.
- INN-The National Nutrition Institute (Instituto Nacional de Nutrition or INN) is responsible for establishing nutrition guidelines and recommended daily nutritional intakes.

Ministry of Light Industries and Trade- MILCO

The Ministry of Light Industries and Trade (Ministerio de Industrias Ligeras y del Comercio, or MILCO) was formerly known as the Ministry of Production and Commerce or MPC. The main functions of MILCO are related to Venezuela's industrial and commercial sectors, including policies regarding technical standards and intellectual property. MILCO is also part of an interministerial commission along with MINAL, MAT and MINSALUD that define the criteria for allowing imports of agricultural and processed food products (for additional info refer to section VI). The following are MILCO's agencies involved with agricultural and processed food products:

- **SENCAMER-** The National Autonomous Standardization, Quality, Metrology and Technical Regulations Service (Servicio Nacional de Estandarización, Calidad y Metrología, or SENCAMER.) SENCAMER is responsible for technical standardization, quality control, metrology, certification programs and maintains the register of mandatory technical regulations (known as COVENIN norms.) Selected processed food products must be registered through SENCAMER (exempted products are listed in Appendix A.) The former "Venezuelan Commission for Quality and Industrial Norms" (Comisión Venezolana de Normas Industriales, or COVENIN) was the compiling body for technical standards and norms, now it is under SENCAMER but the name of "COVENIN" has been kept for the norms. Readers should note that the Fund for Standardization and Quality Certification (FONDONORMA) is no longer authorized to certify products and quality systems.
- **SAPI-** The Intellectual Property Registration Service (Servicio Autónomo de de la Propiedad Intelectual, or SAPI) is the body responsible for the administration of intellectual property rights in Venezuela. SAPI has two main operational branches: the Industrial Property Registration Directorate (DRPI), responsible for administering the granting of patents, utility models, industrial designs, breeder certificates (for plant varieties) and integrated circuit certificates and the registration of trademarks, trade names, commercial slogans and appellations of origin; and the National Copyright Directorate (DNDA) that has administrative responsibilities for registration, monitoring and inspection in connection with copyright and related rights.
- **INDECU-** The Consumer's Defense Institute (Instituto para la Defensa del Consumidor, or INDECU) is the body responsible for granting protection to consumers and end-users against fraudulent sales and promotions, overpricing, usury and warranty compliance. It has the authority to conduct on-site inspections of points of sale, manufacturing and processing facilities, and warehouses. INDECU's inspections can lead to the shutdown of businesses.

Ministry of Finance- MinFinanzas

Two major agencies of the Ministry of Finance (Ministerio de Finanzas, or MinFinanzas) are involved with food and agricultural imports. The agencies are:

- **CADIVI-** All foreign exchange transactions are under the Foreign Exchange Administration Commission (Comisión de Administración de Divisas, or CADIVI) as result of the foreign exchange control policy implemented since January 2003. Currently, the exchange rate is fixed at Bs 2,150/US\$.
- **SENIAT-** The National Integrated Tax Administration Service (Servicio Nacional Integrado de Administración Tributaria—SENIAT) administers custom services and is

responsible for the surveillance and control of imported and exported products through the borders and ports of Venezuela, as well as the assessment and collection of import duties and taxes. SENIAT observes the Organic Law of Customs and its respective regulations regarding custom import and export procedures. SENIAT has the authority to shutdown businesses based on contraband charges or revenue non-compliance.

Ministry of Foreign Affairs- MRE

The Ministry of Foreign Affairs works with the President of Venezuela and coordinates with MINAL, MAT, MINSALUD and MILCO in the formulation of international policies, direction of international affairs and signing of agreements and other international conventions. It carries the responsibility of supporting commercial negotiations and offering assistance in dispute settlements.

Food Laws

It is important to note that in Venezuela the legality of laws, decrees, international treaties, norms, regulations and procedures is subject to its publication in the "Official Gazette" (Gaceta Oficial). This is the official legal publication of the GOV. It is sold in Caracas, but can be accessed through the following web page: <http://www.tsj.gob.ve>. Basic information and/or daily highlights of the Official Gazette can also be checked at: <http://www.tsj.gov.ve/gaceta/>

The most important laws governing domestically produced and imported food and agricultural products are:

1. General Food Norm

This norm states mandatory registration for locally produced and imported processed food products. This norm describes all requirements that food products need to fulfill in order to be offered to consumers, including labeling requirements. Complementary norms were established on March 3, 1996 (Official gazette N° 35,921.) An online version of the Food Law can be accessed through the following website:

<http://www.gobiernoenlinea.gob.ve/docMgr/sharedfiles/reglamentogeneralalimentos.pdf>

Although the norm was established back in 1959 (Official Gazette N° 25,864) it originally stated that MINSALUD along with MAT, were responsible for controlling the quality of food products destined for human consumption. However, due to the latest changes of MAT's functions, MINAL has taken over this specific task. MINSALUD enforces food recalls and recommends MINAL to declare bans of local and imported processed food products thought to be harmful to human health.

2. Sanitary and Vegetable Defense Law

This law establishes regulations, conditions and prohibitions for imports and exports of animal and plant products. It is aimed at preventing and controlling plagues, illnesses and pests that may affect both animal and plant products, and relates to the study and prevention of diseases, plagues and all other agents that are harmful to animals and vegetables and their products. SASA is the enforcing agency. It was published in the Official Gazette N°20,566 on August 15, 1941. It can be accessed through the following web site: http://www.gobiernoenlinea.gob.ve/docMgr/sharedfiles/Leysobredefensassanitariasvegetalya_nimal.pdf

3. Agricultural Marketing Law

The intention of preserving national food security is the main goal of this law. It refers to domestic agricultural production. The broad objectives of the law can be summarized as

follows: plans, regulates and oversees all marketing stages of domestically produced agricultural products and its inputs. MAT is the enforcing agency. Through this law, MAT may recommend changes to the price of agricultural products. It was published on the Official Gazette N° 37,389 on February 21, 2002. It can be accessed through the following web site: <http://www.gobiernoenlinea.gob.ve/docMgr/sharedfiles/313.pdf>

4. Seed Law

This law establishes regulations for marketing seeds and seed products. It applies to locally produced and imported seeds. New seed developments are also regulated through this law. It was published in the Official Gazette on October 18, 2002. It can be accessed through the following web site: <http://www.gobiernoenlinea.gob.ve/docMgr/sharedfiles/064.pdf>

5. Andean Sanitary Standards

Andean sanitary standards are the result of efforts to reach uniformity in principles and procedures between member countries (Bolivia, Colombia, Ecuador and Peru.) There is an Andean sub-regional register with approximately 600 national standards. It is worth noting that on April 2006 the GOV withdrew from the Andean Community. Andean sanitary standards are still valid for Venezuela. For additional information about the Andean sanitary standards check <http://www.comunidadandina.org>.

6. Good Manufacturing Practices' Regulations

Sound manufacturing, storage and transportation practices for foods for human consumption were established by the MINSALUD (according to the official gazette N° 36,081, dated 07-11-1996.) MINSALUD and INDECUCU are the enforcing entities for these regulations.

7. Consumer and End-User's Protection Law

All rights and obligations of consumers and end-users are enforced through this law. It basically protects consumers from fraudulent sales, usury, overprices and warranty non-compliance, among others. This law is enforced by INDECUCU, which has authority to inspect and if necessary, shutdown points of sales, manufacturing and processing facilities, and warehouses. It was published on the Official Gazette N° 37,930 on May 04, 2004. It can be accessed through the following web site: http://www.indecu.gov.ve/ley_proct.htm

SECTION II. LABELING REQUIREMENTS (updated)

MINSALUD oversees processed food labeling. Labeling is mandatory for domestically produced and imported food products. The General Regulation for Foods, the Sanitary Defense Law and the COVENIN standards provide labeling requirements. MINSALUD's authorities may require the elimination or modification of any paragraph or phrase concerning a particular product, as well as recommending the addition of any paragraph or phrase they deem necessary.

- a. Language- all labels must be presented in Spanish. A Spanish translation of the original/foreign label must be authorized by MINSALUD. The approved label may be affixed (stickers are acceptable) to the foreign language label. The approved label must be applied to the product prior to export because it has to enter the country in its final presentation.

- b. Information on Label- The label must include the following information:

- Descriptive name of the product.
- Brand name or trademark.
- Net weight or net content (only metric measurements are accepted.)
- List of ingredients in decreasing order.
- Manufactured by (name of company) in (name of city, state, country.)
- Imported by (name of importer/importing company.)
- Special handling and storage requirements to keep the product safe, if any.
- Cooking and oven temperatures must be indicated both in Celsius and Fahrenheit.
- Detailed instructions for preparation or use.
- The MINSALUD Registration Number.
- The SNML registration number (metrology registration through SENCAMER.)
- Any other requirement stated by COVENIN norms, General Food Law or special requirements ordered by MINSALUD.

- c. Nutritional Labeling- only foods for special dietary use are required to include nutrient information on the label (according to the Official Gazette No. 31.106 dated 11-9-1976.) Nutritional information must be expressed as a percentage of the recommended daily requirement set by the INN. Recommended Daily Nutritional Intake (RDI's) may be different from those in the United States. The complete list of RDI's is available in INN's offices. This information is not available on-line. The following additional information must appear on labels for processed foods that are marketed for specific dietary use:

- Energy value, protein, digestible carbohydrate and fat contents (expressed in grams).
- Amounts of any nutrients claimed to have special nutritional value.
- For vitamins A and D, nutrient content must be expressed in international units.
- For all other vitamins and minerals nutrient content must be expressed in milligrams or micrograms.
- Energy values must appear in calories.

- d. Labeling for baby foods- there is no special labeling requirement for baby foods. It is known that MINSALUD is very concerned about the use of modified food starches. Mentioning processes used in modified food starches is strongly recommended at the moment of completing the food registration process.

- e. Seasonings, Colorings and Flavorings- locally produced and imported ingredients that would be used in the formulation or further processing of food products must be

registered with MINSALUD. The names of spices used as seasoning, colorings and flavorings of processed food products must be specified in the label.

- f. Health Claims - Information about health claims is subject to MINSALUD's consideration and approval is given on a case-by-case basis.
- g. Refund coupons or free offers - promotions of domestically produced processed food products (free offers and coupons) are allowed if previously notified and approved by INDECU. Information about general promotion conditions, valid dates and INDECU's approval number must be affixed to the food product. Foreign countries' free offers or coupons are not valid in Venezuela. Therefore, this should be clearly specified on the Spanish version label, or if the label is printed especially for exportation, it is necessary to include this statement. Additional information about promotion requirements can be accessed through the following link:
http://www.indecu.gov.ve/noti_promo.htm

SECTION III. PACKAGING AND CONTAINER REGULATIONS

In general, packaging and container regulations are based on COVENIN standards and follow Codex Alimentarius guidelines. Sound manufacturing, storage and transportation practices for foods for human consumption were established by the MINSALUD (according to the official gazette N° 36,081, dated 07-11-1996.) According to the article No. 32 of the Agricultural Marketing Law, MAT will establish new norms related to the quality, reception, packaging systems, packing, labeling and classification of agricultural products and others. MAT has not yet established these new norms. Therefore, it is generally understood that previous packaging and container regulations are still valid. In general, containers, vessels, canning, bottling and packing materials used to handle inputs or finished products should meet the following general requirements:

- Manufactured with materials suitable for that kind of food such as glass, tin, plastic, paper, cardboard, or another material approved by MINSALUD authorities.
- Must not transmit substances to the food beyond the allowed limits under the standards in-force.
- Shall not have been previously used for any different purpose that might contaminate the food.

SECTION IV. FOOD ADDITIVE REGULATIONS

General definitions concerning food additives and contaminants are contained in COVENIN norm #910. U.S. exporters should note that some food additives authorized by the Food and Drug Administration in the United States, are not authorized in Venezuela and vice versa. All COVENIN standards can be accessed and downloaded through SENCAMER web page: <http://www.sencamer.gob.ve/sencamer/action/normas-find>. Some general guidelines concerning food additives are:

- Food additives and contaminant tolerance levels are specified in individual COVENIN food standards.
- Food additives are approved during MINSALUD's health registration, using COVENIN standards.
- In the absence of a COVENIN standard for a specific food additive, guidelines from Codex Alimentarius are used and are approved on a case-by-case basis by MINSALUD.

- For sausages, ham, meat and meat products in combination with other foods, the total level of nitrite and nitrate must be indicated.
- "Maximum Level of Chemical Residues" is based on Codex Alimentarius guidelines.
- When monosodium glutamate (MSG) is used, it would be useful for MINSALUD' health registration purposes to specify the level used.

SECTION V. PESTICIDE AND OTHER CONTAMINANTS

All domestically produced and imported pesticides should be registered through SASA. Regulations and guidelines concerning manufacturing, marketing and use of pesticides are under the "General Pesticide Regulations" (Reglamento General de Pesticidas) published in 1968. While there have been no updates to this norm, Codex Alimentarius "Pesticide Residue Tolerances Guidelines" are generally observed by SASA. Information about approved pesticides is available through SASA's offices.

Currently, no governmental agency has the responsibility or authority to monitor pesticide residues in agricultural and processed food products. If an agricultural or processed food product is suspected of being contaminated with pesticides or similar products, SASA can recommend its retention until further analyses prove the contrary. SASA can recommend specific lab analysis to confirm contamination. The following ministries are responsible for enforcing retention: MAT, MINAL and MINSALUD. If lab results confirm pesticide contamination, products will be destroyed and no indemnification will be granted.

SECTION VI. OTHER REGULATIONS AND REQUIREMENTS (updated)

Animal Products and Unprocessed Plant Products

Imported products and sub products of plant or animal origin, and animals and plant breeding material are subject to the issuance of a phytosanitary permit or sanitary health (SPS) permit from SASA. SASA is authorized to restrict or prohibit the importation, marketing or use of animal and plant products. For these cases, SASA's "Standing Technical Advisory Body" will recommend the appropriate course of action on the basis of a risk analysis. The general guidelines for importing animal and plant products are:

- The importer, exporter or producer should be registered in SASA. The validity of this registration is indefinite, but it can be cancelled due to non-compliance with dispositions stated by pre-established laws and regulations.
- Prior to importing animal products and/or unprocessed plant products, importers should request and obtain a phytosanitary or sanitary health (SPS) import permit from SASA.
- Specific SPS statements (treatment and other conditions) for each type of product are determined by SASA on a case-by-case basis.
- Specific SPS statements are written on the import permit issued by SASA.
- SASA's import permits have a non-renewable period of validity of between 60 and 90 days, depending on the product:
 - *Sanitary health import permits are issued for animal products and livestock-farming inputs (validity of 60 days)*
 - *Phytosanitary import permits are issued for plant products (validity of 90 days)*
- Import permits are only useful for one shipment and one previously designated port of entry.
- Every shipment must be accompanied of an import permit issued by SASA and its corresponding APHIS or FSIS export certificate.
- The "remarks" section of the APHIS or FSIS export certificate should include the specific SPS statements, and should be written both in English and Spanish.

- No product should be loaded in a vessel before the import permit is received and the sanitary statements required in it are written on the APHIS or FSIS export certificate.

Import Licenses for Basic Agricultural Products

Under its World Trade Organization (WTO) commitments, Venezuela is entitled to administer tariff rate quotas for up to 62 HS code headings. The tariff rate quotas are administered through an import license regime. MINAL is responsible for issuing import licenses, but approval is subject to the concurrence of the "Interministerial Commission." The interministerial commission consist of the following ministries: MINFINANZAS, MILCO, MAT, MINAL, and MINSALUD. The latest guidelines and requirements for applying for an import license were published in the official gazette No. 38,452 dated 06/06/2006. Basically, the guidelines are:

- Import licenses are valid for four months, and can only be renewed if, on expiry, they have not been used for reasons outside the importer's control.
- When applying for a license, local importers are required to submit a monthly list of imports actually realized, indicating volume and value, together with the invoice of the most recent import, also indicating the volume and value of the merchandise in question.
- The importer must indicate the amount of the allocated quota that remains unused.
- Local importers are required to obtain the "certificate of non-domestically produced food product" and the "certificate of not-sufficient domestically produced food product" from the Ministry of Commerce and Light Industries or MILCO, in order to have access to import licenses.

U.S. exporters must consider the unexpectedly long time frames between the process of obtaining an import license by a local importer, and the final shipment of the product. It is worth noting that the process of obtaining an import license is cumbersome and takes a considerable amount of time and resources from the local importer.

The following is the list of products that are subject to import licenses:

Yellow corn	Sorghum
Soya beans	Palm nuts and kernels
Soya bean oil	Other oils
Palm oil	Sunflowerseed oil
Coconut oil	Other vegetable fats and oils
Soya bean cake	Animal and vegetable fats
Degras, yellow grease	Milk and cream, not concentrated
Milk in powder, not exceeding 1.5% fat	Whole milk 26%
Cheese	

For those products where the licensing system has not yet been implemented (45 products) such as beef, pork and poultry, the GOV restricts the issuance of SPS permits to block imports.

Seeds

Import permits for seeds are issued by SASA, prior to evaluating results from a pest risk analysis conducted by SASA. Requirements for pest risk analysis are provided by SASA on a case-by-case basis. Both locally produced and imported seeds must be registered through the National Seed Service (Servicio Nacional de Semillas, or SENASEN.) Guidelines for

registering seeds can be accessed through the following web page:

<http://www.inia.gov.ve/servicios/serlab23.html>

Processed Animal Products

An FSIS certificate must accompany each shipment of meat and poultry and/or products. Venezuela accepts imports from all FSIS approved plants (all federally inspected meat and poultry plants are eligible to export to Venezuela.) As noted above for unprocessed plant products, importers are required to have an import permit before importing meat and poultry products. Certificate requirements of the GOV are currently included in the FSIS export certificate library: [http://www.fsis.usda.gov/Regulations_& Policies/export_information/index.asp](http://www.fsis.usda.gov/Regulations_&Policies/export_information/index.asp)

Processed Food Products Health Registration

All domestically produced and imported processed food products must be registered with MINSALUD, through its Food Hygiene Division, before it can be sold to Venezuelan consumers. Although Venezuelan law does not prohibit a foreign exporter to register food products, a local consultant or agent may prove the best resource in order to complete the food registration process. The general guidelines for registering processed food products are:

- All consumer-ready food products under the following Venezuelan Harmonized Schedule headings (HS codes) are subject to registration: 03,04,05,16,19,20,21 and 22.
- Prior to importing consumer-ready food products, importers should obtain a registration number from MINSALUD.
- Processed foods not registered in the country of origin cannot be registered in Venezuela.
- All new-to-market local or foreign processed food product must be submitted for registration before being imported.
- The foreign exporter/seller is the owner of the product registration, although authorized importers can proceed with the registration process.
- The processed food product health registration is valid for five years. Renewals are permitted.
- In special cases, MINSALUD would consider exceptions to the registration process for GOV' food imports, like the ones carried by CASA.
- If an imported product does not meet the minimum quality standards or does not have a health registration number, it could be confiscated and/or destroyed by MINSALUD authorities.
- Inspection at the point of sale is done by MINSALUD and INDECU authorities on a regular basis to determine if imported products are fit for human consumption, have sufficient shelf life, or alternatively are thought to have been adulterated.

Obtaining a Health Registration Number for Processed Foods- Step by Step

In general, registering processed food products (food registration) through MINSALUD's takes 20 to 25 working days to be completed. However, it may take a longer period of time because of the high number of applications. The following is a guideline of the step-by-step process:

1. Fill out an application for Health Registration for Food (SIE-5-197).
2. The following documents that must accompany the application (all documents issued by foreign authorities must be presented for legalization at a Venezuelan consulate in the country of origin and translated into Spanish):

- a- A certificate of free sale and consumption issued by competent authorities in the country of origin. The certificate must state that the food is for human consumption, or for processing, or for use as an input in food for human consumption in the country of origin, with a period of validity of 12 months from the date of application.
 - b- Certificate of chemical, physical and microbiological test conducted by an accredited lab in the country of origin.
 - c- A letter from the foreign manufacturer, or a power of attorney, authorizing the Venezuelan representative to apply for health registration of the product in Venezuela.
 - d- A letter of authorization from the Venezuelan representative, if a third party is requesting the health registration on his/her behalf.
 - e- One sample of the food product.
 - f- Three copies of the original labels and packages used to market the product in the country of origin.
 - g- Three copies of the draft label that will be used in Venezuela, in Spanish.
 - h- In the case of food products that required special storage conditions, these should be clearly indicated.
 - i- Any other requirement listed by COVENIN standards, the General food Norms or specifications of MINSALUD.
 - j- List of ingredients, including additives, colors and preservatives.
 - k- One sample of the food product.
3. Once all the previous documents are submitted, MINSALUD gives authorization to conduct the correspondent laboratory testing for each of the food products to be registered. For meat, poultry and dairy products lab tests must be conducted in the GOV's main lab "Instituto Nacional de Higiene Rafael Rangel." For all other processed food products, MINSALUD designates (on a case-by case basis) an accredited private lab to conduct food testing. Lab results are submitted directly to MINSALUD.
4. MINSALUD evaluates lab results and if considered satisfactory, agrees to assign a health registration number.
5. Health registration numbers are published in the official gazette.

Samples for Registration Process

As part of the health registration process, the U.S. exporter or Venezuelan importer must submit samples (generally no more than three) of each product/model for which a registration is being sought to MINSALUD's previously designated and accredited Venezuelan laboratory. Samples without commercial value should meet the following requirements in order to obtain exemption from the payment of import duties and value-added tax:

- Sender needs to be the producer of the product, its representative or the authorized exporter.
- The addressee shall be a company or an importer with tradition in this activity.
- All documentation (commercial invoices, transportation invoices or others) shall contain annotations demonstrating that the products are samples without commercial value.
- Samples should be identified as having no commercial value. It is advisable to mark the package with the following wording "Muestras sin valor para su registro en el Ministerio de Salud" (Samples without commercial value for registration with the Ministry of Health.)

SECTION VII. OTHER SPECIFIC STANDARDS (updated)

Exchange Rate Policy

Currency trading was suspended on January 22, 2003 and an exchange control regime has been in place since February 5, 2003. At that time, the exchange rate was set at Bs 1,600/US\$. The rate can be adjusted as necessary by an agreement between the Central Bank and the Ministry of Finance. Adjustments occurred in February 2004 and again in 2005. Currently, the exchange rate is set Bs 2,150/US\$.

Importers must register with CADIVI for formal applications for foreign currency transactions. When approved, the transactions are then liquidated through the Central Bank and finally through commercial banks. A complete list of imported agricultural products that can be imported at the official foreign exchange rate can be found at <http://www.cadivi.gov.ve>. The list should be checked periodically as products are added or removed by CADIVI without previous notice.

Local importers are required to obtain from MILCO the "certificate of non-domestically produced food product" and the "certificate of not-sufficient domestically produced food product" in order to have access to foreign exchange allocations.

Price Controls

On January 2003, the GOV imposed a price control policy on basic food products, along with the implementation of foreign exchange controls. The ministries of MAT, MINAL, MILCO and MINFINANZAS are responsible for recommending changes to the controlled-price list. Since 2003, changes to the list of food products under price controls included: a) adding or removing products from the list, and b) increasing or lowering prices of certain food products. Food price controls are expected to continue as a long-term government policy. For the current list of products subject to price controls refer to appendix B.

Import tax exoneration for Basic Products (updated)

Currently, the import tax exoneration for certain agricultural and processed food products is valid until September 2006. The import tax exoneration was implemented for the first time in January 28, 2003. It has been renewed every six months and products on the original list have changed since then. Currently, MINAL and MINFINANZAS are responsible for reviewing and updating the list of products, with the recommendations of the "Interministerial Commission."

List of Products Exempted from Import Tax:

Live bovine animals	Meat of bovine animals, fresh, chilled, frozen, including boneless	Powdered milk, infant formula and soy-based infant formula
Durum wheat and other wheat	Potato seeds	Sugar cane seed for sowing
Oilseeds (soybean, sunflower, cottonseed and palm nuts and kernels) for sowing	White and yellow corn seed for sowing	Vegetables, for sowing: onion, broccoli, carrot, lettuce, and tomato
Dry beans, peas and lentils, for sowing	Dry beans, peas and lentils	Protein concentrates and textured protein substances

Value Added Tax (updated)

The GOV through SENIAT applies a flat 14 percent Value Added Tax (Impuesto al Valor Agregado, or IVA) on sales of domestically produced and imported food products. Generally, the IVA rate is established annually. Since October 1, 2005, the IVA rate was reduced from 15% to 14%. The IVA applied to imports is based on the total customs value.

List of Products Exempted from IVA:

Rice	Coffee, beans or grounded	Milk, soy-bases
All flours, of vegetable origin	Tuna, canned, natural	Cheese, white, hard
Bread and pasta	Sardines, canned	Margarine and butter
Eggs	Milk, crude or pasteurized	Poultry, fresh or frozen
Salt	Milk, powdered	Certified seeds
Sugar	Milk, infant formulas	Vegetables

Genetically Modified Organisms

Venezuela follows Andean Community Decisions N° 391 and 345, which establishes a common regime for access to genetic resources. Venezuela published in the Official Gazette N° 5,468 of May 24, 2000 its Biodiversity law (Ley de Biodiversidad Biologica), which creates a national office for biodiversity. The Ministry of Environment and Natural Resources has the authority to oversee all genetically modified organisms (GMO's). The Seed Law provides a general framework for registering GMO's seeds. However, there are no specific guidelines for registering genetically modified foods or food products. For additional information, refer to GAIN report VE5018.

It is important to note that the GOV withdrew from the Andean Community as of April 2006. The Andean Community Decisions N° 391 and 345 should be valid for a five-year period since the time of withdrawn.

SECTION VIII. COPYRIGHT AND OR TRADEMARK LAWS (updated)

SAPI, the Intellectual Property Registration Service (Servicio Autónomo de de la Propiedad Intelectual, or SAPI) is the agency responsible for the administration of intellectual property rights in Venezuela. While Venezuela is a member of the World Intellectual Property Organization (WIPO) and remains signatory to various international intellectual property agreements, until recently it applied Andean Community regulations. Through Andean Community Decision 486, Venezuela ratified the provisions of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS.) However in April 2006, the GOV announced that it would no longer be a member of the Andean Community, therefore previously adopted Andean Community laws and regulations would be subject to a phase-out period of five years. That said, it is important to note that Andean Community regulations for trademark protection are still valid in Venezuela. These regulations can be accessed through the following web site: <http://www.sice.oas.org/root/trade/JUNAC/>

Brand Name and Trademark Registration Process

All brand names and trademarks of local and imported processed food products to be sold in Venezuela must be registered with SAPI. Usually, brand name and trademark registrations

are among the services provided by specialized law firms in Venezuela. The basic guidelines for registration of brand names and trademarks are:

- Prior to registering, a name search should be conducted.
- Approval or rejection of a brand name is based on phonetics and spelling matches with brands for similar products.
- Approved and registered brand names are published in quarterly SAPI bulletins.
- All the documents relating to patents, designs, trademarks, etc. are published in the Industrial Property Bulletin.
- The process takes from three to six months to be completed.

SECTION IX. IMPORT PROCEDURES (updated)

The GOV implemented the United Nations Custom Computerized System (SIDUNEA) in the majority of Venezuelans ports of entry. With this system, clearing customs takes approximately five to eight working days. By law, only nationals and private custom agencies with Venezuelan local staff are entitled to conduct customs procedures. A custom agent assesses customs, port charges, and taxes as well as fills out paperwork forms. Generally, the custom agent's fee is 1% of the CIF value, plus any other charges accrued during off loading.

All imported good presented at the ports of entry must be officially declared to SENIAT authorities within five days of the date of arrival. Fines may be levied and applied to any shipment when the customs entry is made later than five days after the date of arrival. When an importer either delays or refuses to claim a product arriving in Venezuelan ports, SENIAT will impound the goods not claimed, and, if steep fines and storage fees are not promptly paid, sell the goods at auction.

All shipments must be made on a direct consignment basis. Customs regulations stipulate that the consignee is the owner of the shipment and is responsible for all customs payments.

Import Duties

The import duties are calculated using the WTO Harmonized Scheduled Tariff classification system on the CIF value of the products (using the commercial invoice as basis.) Import duties are assessed, due and payable at time of arrival. Import duties and fees are assessed in local currency; despite the currency listed on the commercial invoice. The IVA rate of 14% is calculated on the basis of the CIF value.

Customs Fees

SENIAT' charges a total of 1% of the CIF value for processing of shipments and for the use of the port of entry. In some cases an additional stamp fee is added to offset the cost of processing these imports. Both the SENIAT's Customs & Port Fee and Customs Stamp Fee are calculated on CIF value.

Inspections

Products are inspected by MINSALUD and/or SASA officers, as applicable, according to the type of product being imported. MINSALUD inspects processed products, while SASA inspects animal and plant origin products. Regardless of the type of agricultural and processed food products, all imports are subject to inspection by SENIAT, the National Guard (Guardia Nacional), and the Anti-Drug Command (Comando Antidroga). There are no fees for inspection.

Control of products at Port of Entry levels

The General Food Law authorizes MINSALUD, SASA, the National Guard, and SENIAT authorities with the power to reject, confiscate or destroy imported food and agricultural products if:

- Documentation is incomplete;
- If permits are invalid;
- If the product is determined to be unfit for human consumption;
- If the product has insufficient shelf life;
- Or if the product is thought to have been adulterated.

If the cargo is rejected, it can be temporarily stored at the port of entry at the importer's expense, until the appeals procedures have been completed. In cases where imports are confiscated or destroyed because they have been judged by competent authorities to be unfit for consumption, importers are not eligible for compensation.

Document Requirements

According to Venezuelan' custom regulations all imports should be held in warehouses within the port of entry, while customs clearance is being completed.

All shippers are urged to provide all documents tendered for customs purposes in Spanish to avoid delays in processing.

The documents needed for customs clearance include:

- Customs declaration of value
- Commercial invoice (no photocopies accepted)
- Insurance and Freight must be listed separately on the commercial invoice
- Bill of lading
- Certificate of origin
- Shipment manifest
- Phytosanitary or sanitary certificate, if required
- Import license, if required

APPENDIX I. GOVERNMENT REGULATORY AGENCY CONTACTS (updated)

Ministerio de Alimentación-MINAL
Av.Fuerzas Armadas, Esquina de Socarrás
Antiguo edificio "Seguros Orinoco"
La Hoyada, Caracas
Tel: (58-212) 564-2415
Fax: (58-212) 564-8303
<http://www.minal.gob.ve>
Email address of Public Relations: oirp@minal.gob.ve

Corporación de Abastecimiento Servicios Agrícolas-CASA
Av.Fuerzas Armadas, Esquina de Socarrás
Antiguo edificio "Seguros Orinoco"
La Hoyada, Caracas
Tel: (58-212) 564-7057/ 564-1281
<http://www.corporacioncasa.gob.ve>

Ministerio de Agricultura y Tierras-MAT
Av.Urdaneta, Edificio "MAT"
Antiguo edificio de Fondocomun
Esquina de Platanal a Candilito
La Candelaria, Caracas
<http://www.mat.gob.ve>

Servicio Autonomo de Sanidad Agropecuaria-SASA
Av. Este 6, entre esquina Colon y Dr. Díaz
Antigua Sede del BTV
(frente a cartografía nacional)
Tel: (58-212) 542-05-11
<http://www.sasa.gob.ve>

Please note that SASA is scheduled to move to another location in the next couple of months.

Ministerio de Salud-MINSALUD
Av. Baralt, Centro Simón Bolívar, Edificio Sur
El Silencio, Caracas
Tel: (58-212) 408-0000
<http://www.msds.gob.ve>

División Higiene de los Alimentos (food registration)
Av. Baralt, Centro Simón Bolívar,
Edificio Sur, piso 3
El Silencio, Caracas
Tel: (58-212) 408-1533/ 484-3066
Fax: (58-212) 483-1533
<http://www.msds.gob.ve>

Instituto Nacional de Nutrición-INN
Av. Baralt, Esquina El Carmen
Edificio INN
El Silencio, Caracas
Tel: (58-212) 482-6473
<http://www.inn.gob.ve>

Instituto Nacional de Higiene "Rafael Rangel"
Ciudad Universitaria, Detrás Hospital Clínico
Universidad Central de Venezuela
Los Chaguaramos, Caracas
Tel: (58-212) 693-1229/662-5074
Fax: (58-212) 693-4967
<http://www.inhrr.gob.ve>

Servicio Nacional de Semillas-SENASEM
Av. Universidad, Via El Limón, Edificio INIA
Maracay, Edo. Aragua.
Tel: (243) 240-4962/ 240-4911.
E-mail: senasem@inia.gob.ve
<http://www.senasem.gob.ve>

Servicio Autónomo Nacional de Normalización, Calidad, Metrología y Reglamentos Técnicos-
SENCAMER
Av. Libertador, C.C. Los Cedros, Planta Baja
La Florida, Caracas
Tel: (58-212) 761-6474
<http://www.sencamer.gob.ve>

Servicio Autónomo de la Propiedad Industrial-SAPI
Centro Simón Bolívar, Edificio Norte, Piso 4
El Silencio, Caracas
Tel: (58-212) 481-6478
Fax (58-212) 483-1391
<http://www.sapi.gob.ve>

Instituto para la Defensa del Consumidor-INDECU
Av. Libertador, C.C. Los Cedros, Planta Baja
La Florida, Caracas
Tel: (58-212) 0-800-INDECU
<http://www.indecu.gob.ve>

Servicio Autonomo de Administración Tributaria-SENIAT
Av. Blandín, C.C. Mata de Coco, Torre SENIAT
La Castellana, Caracas
Tel: (58-212) 274-4000/ 274-4026
<http://www.seniat.gov.ve>

Comisión de Administración de Divisas-CADIVI
Av. Leonardo Da Vinci, Edificio PDVSA, Piso 3
Los Chaguaramos, Caracas
Tel: (58-212) 606-3939
<http://www.cadivi.gob.ve>

APPENDIX II. OTHER IMPORT SPECIALIST CONTACTS**Venamcham****Venezuelan-American Chamber of Industry and Commerce**

2da.Av. de Campo Alegre, Torre Credival, Piso 10, Ofic.A, Caracas 1060, Venezuela

Tel: (58-212) 263-0833/267-20-76/64-81

Fax: (58-212) 263-20-60

<http://www.venamcham.org.ve>

ANSA (Asociación Nacional de Supermercados y Afines)**National Supermarket Association**

Ave. Principal de los Ruices

Centro Empresarial Los Ruices

Piso 1, Ofic. 116

Caracas 1071, Venezuela

Tel: (58-212) 234-4490 / 235-7558

Fax: (58-212) 238-0308

<http://www.ansa.com.ve>

CAVIDEA (Cámara Venezolana de la Industria de Alimentos)**Venezuelan Food Industry Chamber**

Ave. Principal de los Ruices

Centro Empresarial Los Ruices

Piso 5, Ofic. 510

Caracas 1071, Venezuela

Tel: (58-212) 237-6183

Fax: (58-212) 237-9918

<http://www.cavidea.org.ve>

USDA/ FAS CARACAS OFFICE CONTACT INFORMATION

Office of the Agricultural Counselor

American Embassy

Calle F c/c Suapure

Colinas de Valle Arriba

Caracas, 1070, Venezuela

Tel: (58-212) 907-8333

Fax: (58-212) 907-8542

Web page: www.embajadausa.org.ve/usda.htm

Email: AgCaracas@usda.gov

Agricultural Counselor:

Bonnie Borris

U.S. Mailing Address

American Embassy, Unit 4940

APO AA 34037

APPENDIX A. PROCESSED FOODS EXEMPTED FROM SENCAMER REGISTRATION

Beverages, alcoholic and non-alcoholic
Cereal products
Chocolate and preparations with cocoa
Cinnamon, ground
Coconut oil, refined
Coffee, ground
Coffee, decaffeinated
Confectionery products, non-chocolate
Corn oil, refined
Dairy products
Eggs, shelled
Food preparations, miscellaneous (sauces, spices, mixes)
Fruits, processed
Grain products
Honey
Margarine
Meat products
Olive oil
Palm oil, refined
Peanut oil, refined
Seafood products
Sesame oil
Soy oil, refined
Sunflower oil, refined
Tea
Vanilla
Vegetables, processed
Vinegar

APPENDIX B. FOOD PRODUCTS SUBJECT TO PRICE CONTROLS

Rice
Oatmeal
Corn Flour
Wheat Flour
Pasta and Bread
Beef
Chicken, eggs & poultry products
Sardines and Tuna
Corn Oil
Sunflower Oil
Blended Oil
Powdered Milk
Milk, Infant Formulas
Soy Milk
White Cheese
Margarine
Peas, Lentils and Black Beans
Refined Sugar and Brown Sugar
Tomato sauce
Bologna Sausage
Salt